

Serial No. 09/761,649
Atty. Docket No. 37622.010400
Response to non-final Office Action mailed May 3, 2004

REMARKS/ARGUMENTS

Claims 59-96 are pending in the instant application. Applicant respectfully requests that Claims 1-58 be cancelled without prejudice toward applicant's prosecution of the claims in a future patent application. Claims 59-96 correspond to Claims 1-38 as filed in Applicant's August 20, 2001 Preliminary Amendment, and are being resubmitted in light of the above-referenced Office Action, in which it appears that Claims 1-38 were unintentionally deemed to have been canceled. No new matter has been introduced by the amendments. Entry and consideration of this paper is respectfully requested.

Response to Rejections Under 35 U.S.C. §102

In the Office Action, claims 39 and 47 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 57 is rejected under 35 U.S.C. §102(b) as being anticipated by Barrick, Jr. et al. (US 6,006,260, hereafter "Barrick"). Claims 40 and 41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Naidoo (US 6,629,136, hereafter "Naidoo") in view of Froeberg et al. (US 6,028,550, hereafter "Froeberg"). Claims 42-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over Naidoo in view of Tso et al. (U.S. 6,047,327, hereafter "Tso"). Claims 47-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tso in view of Jones et al. (U.S. 6,216,173, hereafter "Jones"). Claims 49-50 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tso in view of Jones and in further view of Naidoo. Claims 51 and 54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen (U.S. Patent No. 6,028,550, hereafter "Rosen") in view of Froeberg. Claims 52 and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen in view of Naidoo. Claims 53 and 56 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rosen in view of Froeberg in further view of Stewart et al. (U.S. Patent No. 6,259,405, hereafter "Stewart"). Claim 58 is rejected under 35 U.S.C. §103(a) as being unpatentable over Naidoo in view of Jones and in further view of Tso.

Applicant respectfully submits that claims 39-58 have been canceled from the application by this amendment. Thus, the cancellation of the claims renders the above rejections moot. Withdrawal of the rejections are requested. Although Applicant has

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withdrawn claims 39-58, the withdrawal should not be construed as acquiescence to, or agreement with, the Examiner's rejections.

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CONCLUSION

Applicant respectfully submits that all of the stated grounds of rejections have been properly traversed or rendered moot and believe that all pending claims 59-96 are allowable over the prior art of record. Thus, it is believed that the present invention is in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of the application, he is courteously requested to contact Applicant's undersigned representative. Applicants also reserve the right to file a continuation directed to canceled claims 1-58.

AUTHORIZATION

A petition for a three month of extension of time along with the requisite fee is attached to this paper. The Commissioner is also hereby authorized to charge any additional fees associated with this paper, or credit any overpayment to **Deposit Account No. 50-0653**.

Date: November 3, 2004

Respectfully submitted,

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